

EXHIBIT A




IN THE 28TH JUDICIAL CIRCUIT COURT, VERNON COUNTY, MISSOURI

SERVICE COPY

Judge or Division: JAMES R BICKEL	Case Number: 10VE-CV00096	FILED FEB - 3 2010 CIRCUIT COURT - VERNON CO. MO. (Date File Stamp)
Plaintiff/Petitioner: MARILYN MARTIN	Plaintiff's/Petitioner's Attorney/Address BRANDON B FISHER 110 E CHERRY NEVADA, MO 64772	
Defendant/Respondent: MCCOY V. INCORPORATED	Court Address: VERNON COUNTY COURTHOUSE 100 WEST CHERRY, SUITE 15 NEVADA, MO 64772	
Nature of Suit: CC Employmnt Discrmntn 213.111		

Summons in Civil Case

The State of Missouri to: MCCOY V. INCORPORATED
 Alias:
REG AGENT BROWN & DUNN PC
DUNN, KELLER & GILLESPIE
911 MIAN ST SUITE 2300
KANSAS CITY, MO 64105

COURT SEAL OF

VERNON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

2/3/10 Date
Deeb Anderson Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____ (address)

Served at _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

 Printed Name of Sheriff or Server

 Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ _____

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$. _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF VERNON COUNTY, MISSOURI
GENERAL DIVISION

FILED
FEB 02 2010
CIRCUIT COURT - VERNON CO. MO.

MARILYN MARTIN)
3932 Missouri)
St Louis, Missouri 63118 Plaintiff,)
v.)
McCoy V. Incorporated)
d/b/a McDonalds Restaurant of Nevada, Mo)
Registered Agent:)
Dunn Keller Gillespie)
c/o Brown and Dunn, P.C.)
911 Main Street, Suite 2300)
Kansas City, Missouri 64105)
Defendant.)

Case no. 10VE-CV 00096

Petition

Plaintiff, by and through her attorney, complains and alleges a cause of action as follows:

I. JURISDICTION AND VENUE

1. This court has jurisdiction of the claim herein pursuant to 42 U.S.C.A. § 2000e-5(f)(3), 28 U.S.C.A. §§ 1331 and 1343(4). This civil action arises under the laws of the United States. Plaintiff is alleging a violation of her rights under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A. §§ 2000e et seq.

2. Venue herein is proper under 28 U.S.C.A. § 1391(b) and 42 U.S.C.A. § 2000e-5(f)(3). McCoy V. Incorporated is a corporate resident of the State of Missouri, doing business therein, and the unlawful employment practice of which Plaintiff is complaining was committed in the State of Missouri.

II. PARTIES

3. Plaintiff is an individual, and who currently resides at 932 Missouri, St Louis, State of Missouri. From approximately May 1, 2007 until approximately October 31, 2008, Plaintiff was employed by Defendant in the position of crew member/cashier, and reported to and worked under the supervision of Brennan Torelli.

4. Defendant is a corporation existing under the laws of the State of Missouri. Defendant does business as McDonald's with its principal place of business at 201 W. Austin, City of Nevada, County of Vernon, State of Missouri at all times pertinent hereto. At all times pertinent hereto, Defendant has been engaged in an industry affecting commerce and has had 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year.

III. PROCEDURAL REQUIREMENTS

5. On or about May 7, 2009, less than 300 days after the harassing events, Plaintiff filed a charge of discrimination with the Missouri Commission on Human Rights and the Equal Employment Opportunity Commission, thereby satisfying the requirements of 42 U.S.C.A. § 2000e-5. On or about November 6, 2009, less than 90 days prior to the filing of this complaint, the Equal Opportunity Commission issued to Plaintiff a notice of Right to Sue with respect to such charge of sexual harassment/hostile work environment.

6. The incidents described in Part IV below were part of a continuing series of incidents of harassment which began on or about September 10, 2008 and which constitute a continuing violation of the Plaintiff's Title VII rights.

IV. CLAIM FOR RELIEF— HOSTILE ENVIRONMENT AND SEXUAL HARASSMENT

7. Plaintiff is a woman and as such is a member of a group protected under Title VII from discrimination on the basis of sex.

8. Plaintiff suffered the following harassing and sexual conduct:

a. Commencing on or about September 10, 2008, Leslie Hockey engaged in a persistent pattern of severe and pervasive harassment involving the grabbing of Plaintiff's breasts, which created a hostile environment for Plaintiff in the workplace. At the time this behavior began, Leslie Hockey was the assistant overseer for the McDonald's restaurant in Nevada, Missouri, and therefore was a supervisor for the Defendant corporation.

b. On or about October 18, 2008, while asking Leslie Hockey about the espresso machine, I turned around to speak to her and she grabbed my breasts and turned them while saying "tune into Tokyo."

c. On or about September 1, 2008, Brennen Torelli, the district supervisor, was upset and in anger pushed a stack of trays that hit Plaintiff in the face.

d. On or about September 1, 2008, Plaintiff could not get the lights turned on to the restaurant and Brennen Torelli, the district supervisor, had to be called in. Brennan Torelli then told Plaintiff that any "fucking idiot can get lights on--stupid." He then shoved a rolling cart that struck Plaintiff in the ribs.

9. Plaintiff did not welcome the conduct described in paragraph 8, said conduct was done by or in front of the overall district supervisor, Brennan Torelli, and therefore supervision knew or should have known of the harassing conduct.

10. Plaintiff was subjected to the harassment because of her sex. The male employees were not subjected to the same treatment as Plaintiff and other female employees.

11. The harassment described in paragraph 8 has a greater impact on persons of Plaintiff's sex in the workplace than on persons of the opposite sex.

12. The harassment adversely affected Plaintiff's psychological well being.

13. The harassment unreasonably interfered with Plaintiff's work performance.

14. The harassment to which Plaintiff was subjected would affect the psychological well being and unreasonably interfere with the work performance of a reasonable person of plaintiff's sex.

15. Sexual harassment was sufficiently widespread, pervasive, and prevalent in Defendant's workplace at all times pertinent hereto to charge Defendant with constructive notice of it.

16. Plaintiff feared giving Defendant actual notice of sexual harassment and hostile work environment since Brenna Torelli and Leslie Hockey was the supervision that complaints were to be addressed, but they were engaged in a sexual/dating relationship. Plaintiff has seen them kissing and has seen Brennan Torelli with his hand up Leslie Hockey's shirt while at work. Both were married at the time.

17. On or about September 20, 2008, Brennan Torelli informed Plaintiff that he was going to make her quit.

18. Brennan Torelli had the power to alter or affect the terms and conditions of Plaintiff's employment by firing her.

22. Brennan Torelli was acting within the scope of his employment and furthering the objectives of Defendant by harassing plaintiff because Defendant had given control of the Nevada, Missouri restaurant to Brennan Torelli.

23. Plaintiff sustained emotional suffering and injury attributable to the harassment.

24. Defendants acted with malice and with reckless indifference to Plaintiff's civil rights and emotional and physical well being.

WHEREFORE, Plaintiff respectfully prays that this court:

1. Plaintiff requests a trial by jury pursuant to Missouri Supreme Court Rule 69.01.
2. Plaintiff prays for damages, including special and punitive damages, against Defendant in an amount which is fair and reasonable and in excess of \$25,000, together with her costs and attorney's fees herein incurred.

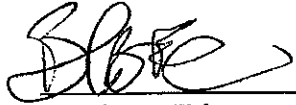
Respectfully submitted,
The Fisher Law Firm



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Facsimile: 417 448-5901
Attorney for Plaintiff

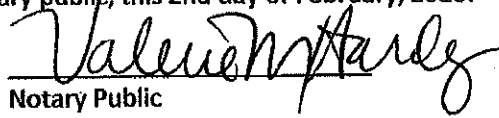
State of Missouri)
) ss
County of Vernon)

The undersigned, having been duly sworn and upon his oath states that the foregoing is true according to his best knowledge and belief.



Brandon B. Fisher

Subscribed and sworn before me, a notary public, this 2nd day of February, 2010.



Notary Public

